HANDBOOK FOR

ED VENDING STAND OPERATORS

HV1771
N7

HV1771
N7

M.C. MIGEL LIBRARY
AMERICAN PRINTING
HOUSE FOR THE BLIND

HV1711
N
copy 1
c.1

H A N D B O O K

FOR

VENDING STAND

OPERATORS

Effective February 1, 1958

NEW YORK STATE DEPARTMENT OF SOCIAL WELFARE

Myles B. Amend, Chairman
State Board of Social Welfare

Raymond W. Houston
Commissioner

COMMISSION FOR THE BLIND

David F. Gillette, M.D., Syracuse, Chairman
Mrs. Blanche P. Gilman, New York, Vice Chairman
Winthrop K. Howe, Jr., Rochester
John P. Patterson, Buffalo
Maxwell Powers, New York

M. Anne McGuire, Director

270 Broadway, New York 7, N. Y.

PART I
PART II
APPENDIX

FOREWORD

The operation of vending stands has long been recognized as an effective means of providing blind persons with an opportunity for constructive and remunerative employment. The vending stand program in New York State, which dates back to 1915, has grown steadily and today there are more than one hundred Commission for the Blind stands serving the public which are operated by blind persons in federal, state, county, city and private buildings throughout New York State. In addition to being themselves benefited, the blind operators have publicly illustrated their skill and business acumen despite their handicap of blindness and have, thereby, benefited other blind persons by this impressive, practical demonstration of what the blind can do.

This Handbook contains rules and regulations and policies and standards governing the operation of vending stands in New York State. Into its preparation have gone experience, knowledge and know-how of forty-two years of vending stand operations as well as a careful analysis of current business practices and policies which govern comparable modern business enterprise. The Handbook also incorporates in it those program changes which were provided for in the Amendments to the Randolph-Sheppard Act (Public Law 565). It will be subject to continuing review and revision in order that it may reflect any needed improvements or changes based on future experience or changing conditions.

The Handbook has been prepared by the Commission for the Blind of the New York State Department of Social Welfare for the guidance of vending stand operators, and with the hope that its contents, diligently applied by the operators, will prove helpful to them, to the officials of the buildings who have provided the space for these operations and to the public served.

Raymond W. Houston
Commissioner

Albany, New York
December 10, 1957

TABLE OF CONTENTS

	Page
FOREWORD	(i)
PART I, RULES AND REGULATIONS GOVERNING THE VENDING STAND PROGRAM FOR THE BLIND	1
A. Legal Authority and Scope of Rules	1
B. Issuance and Conditions of Licenses	1
C. Termination of Licenses	2
D. Fair Hearings for Operators	2
E. Furnishing Equipment and Initial Stock	3
F. Right, Title to, and Interest in Vending Stand Equipment and Stock	3
1. Equipment	3
2. Stock	4
G. Set-Aside of Funds	5
H. Policies Governing the Participation, Duties Supervision and Transfer of Operators	5
1. Participation of Operators	5
2. Duties of Operators	6
3. Supervision of Operators	6
4. Transfer of Operators	7
I. Explanation to Operator of His Rights and Responsibilities	7
PART II, POLICIES AND STANDARDS RELATING TO THE OPERATION OF VENDING STANDS	8
Introduction	8
A. Establishment of Vending Stands and Issuance of Licenses	8
1. Negotiations for New Vending Stands and Vending Machines	8
2. Staffing of Vending Stands	8

Page

B. Financing of and Income Derived from Vending Stands 9

1. Equipment and Fixtures 9

2. Initial Stock 10

3. Maintenance and Replacement of Equipment 10

4. Assignment of Stand Income to Licensed Operator 10

5. Set-Aside of Funds Levy 10

C. Placement and Changes in Assignment of Licensed Operators 11

1. Placement 11

2. Changes in Assignment 12

D. Supervision of Vending Stand Program 13

1. Training of Licensed Operators 13

2. Continuing Supervision of Licensed Operators 13

3. Appearance of Stand and Conduct of All Personnel 14

4. Request for Service of the Commission 14

5. Handling of Emergencies 14

6. Grievances 14

7. Fair Hearings 15

E. Operating Policies 16

1. Operating Continuity 16

a. Days of Operation 16
b. Hours of Operation 17
c. Vacation of Licensed Operators 18
d. Illness of Licensed Operators 18
e. Other Absences 19
f. Operation of Stand in Emergencies by Commission 19

2. Merchandising 19

a. Merchandise Inventory 19
b. Merchandise to Be Sold 20
c. Use of Signs 20
d. Wrapped Merchandise 20
e. Pricing of Merchandise 20
f. Expendable Supplies 20
g. Merchandise Vended By Machine 21

[illegible]

[illegible]

[illegible]

Page

3. Relationships 21

a. With Vendors 21
b. With Customers 21
c. With Building Officials 22

4. Stand Appearance and Cleanliness 22

5. Fiscal Policies 23

a. Financial Obligations 23
b. Method of Payment 23
c. Withdrawals by Licensed Operators 23
d. Record Keeping 24
e. Reporting 24
f. Insurance 24

6. Employment of Staff by Licensed Operator 25

a. Selection of Employees 25
b. Training and Continuing Supervision 25
c. Evaluation of Personnel 26
d. Grievances and Disagreements 26
e. Disciplinary Action 26
f. Personnel Practices of Licensed Operator Relating to Work Assignments, Salaries and Hours of Employment 27

7. Compliance with Laws and Regulations of Other Governmental Agencies 31

PART III, APPENDIX

Exhibit A - Licensing Agreement 32

Exhibit B - Schedule of Fixtures and Equipment 36

Exhibit C - Operating Schedule Rider to Licensing Agreement 37

Exhibit D - Merchandise Vending Authorization 38

Exhibit E - Statement and Worksheet for Projected Set-Aside of Funds Levy 39

Comm-539
BN 12/57

PART I

PART II

APPENDIX

PART I, RULES AND REGULATIONS
GOVERNING THE VENDING STAND PROGRAM FOR THE BLIND

The following Rules and Regulations, effective October 1, 1955, are based on regulations issued by the Office of Vocational Rehabilitation, Department of Health, Education and Welfare, governing the vending stand program for the blind under the Randolph-Sheppard Act. The Rules and Regulations are broad in scope and are supplemented in Part II of this Handbook by policies and standards which have been formulated to implement and facilitate their application.

A. Legal Authority and Scope of Rules

These rules, adopted by the State Board of Social Welfare pursuant to section 13 of the New York State Social Welfare Law, shall apply to all vending stands established under the program of the Commission for the Blind of the New York State Department of Social Welfare.

B. Issuance and Conditions of Licenses

1. The Commission for the Blind of the New York State Department of Social Welfare, hereafter referred to as the Commission, shall license qualified applicants to operate vending stands on Federal and other property; preference shall be given to blind persons who are in need of employment, and who have resided for at least one year in New York State. Licenses shall be issued only to persons who are determined by the Commission to be:

a. Blind as defined in Section 403.1 (p) of the Federal Regulations issued pursuant to the act;

b. Citizens of the United States;

c. At least 21 years of age; and

d. Certified by the Vocational Rehabilitation Service of the Commission as qualified to operate a vending stand.

2. Licenses shall be issued for an indefinite period but subject to

termination if, after affording the operator an opportunity for a fair hearing, the Commission finds that the vending stand is not being operated in accordance with its rules and regulations, the terms and conditions of the permit governing the use of the space occupied by the vending stand, or the agreement with the operator.

3. Income from vending machines within reasonable proximity to, and in direct competition with the vending stand shall be assigned to the operator to the extent that it is within the power of the Commission to secure such assignment.

C. Termination of Licenses

Any license issued to an individual for the operation of a vending stand on Federal or other property may be terminated when the Commission finds that the vending stand is not being operated in accordance with its rules and regulations, the terms and conditions governing the permit, or the agreement with the operator.

D. Fair Hearings for Operators

An opportunity for a fair hearing shall be afforded (1) to each operator dissatisfied with any action arising from the operation or administration of the vending stand program or (2) to his personal representative or next of kin with respect to the determination of the amount to be paid by the Commission for an operator's ownership in the equipment. Fair hearings provided for hereunder shall be in accordance with the following standards and procedures:

1. An operator shall have the right to be represented at the hearing by counsel or by a friend;

2. Hearings shall be held within a reasonable time after the request

therefor and at a time and place reasonably convenient to the operator;

3. The operator shall have an adequate opportunity to present his case and for cross-examination;

4. The hearings shall be held before a responsible official or panel acting for the Commission;

5. The decision shall be based upon the information adduced at the hearing. If the official or panel which held the hearing does not have authority to make final decision, the verbatim transcript of the testimony and exhibits (or an official report containing the substance of what transpired at the hearing) together with all papers and reports filed in the proceedings, and the hearing officer's or panel's recommendation, shall constitute the exclusive record for decision and shall be available to the operator;

6. The decision shall be in writing and shall set forth the issue, the relevant facts brought out at the hearing, the pertinent provisions in law and Commission policy, and the reasoning that led to the decision. The operator shall be forwarded a copy of the decision immediately upon its issuance;

7. The decision shall constitute the official action of the Commission in relation to the action which was the subject of the hearing.

E. Furnishing Equipment and Initial Stock

The Commission (1) shall be responsible for furnishing each vending stand with adequate, suitable equipment and for the maintenance and repair of such equipment, and (2) for furnishing each vending stand with adequate initial stocks of merchandise.

F. Right, Title to, and Interest in Vending Stand Equipment and Stock

1. Equipment: The right, title to, and interest in vending stand equip-

ment furnished by the Commission shall be vested in the Commission except in instances where the right, title to and interest in the vending stand equipment has been previously vested in the operator through a purchase agreement entered into between the Commission and the operator. In such instances, the Commission shall continue to have and retain a first option to repurchase such equipment in the event the operator withdraws or is withdrawn from the stand for any reason whatsoever; ownership of such equipment shall become vested in the Commission subject to an obligation on the part of the Commission to pay such operator or his estate the fair value of such equipment as determined through an impartial appraisal.

Whether equipment is owned by the operator or by the Commission, the Commission shall be responsible for maintenance, replacement and repair of such equipment, except when it has been purchased by the operator without the knowledge and approval of the Commission and is deemed by the Commission not to be essential to the efficient and adequate operation of the vending stand. However when equipment owned by the operator is determined to be in need of replacement, the title to the new equipment purchased by the Commission shall remain with the Commission and the disposition of the replaced equipment, by resale or by any acceptable means that the operator elects, shall be the responsibility of the operator.

2. Stock: The right, title to, and interest in the equivalent wholesale value of the initial stocks of merchandise furnished by the Commission shall be vested in the Commission; however, the right, title to, and interest in stocks of merchandise purchased by the operator which exceed the vested interest of the Commission, as determined by inventory and wholesale value thereof, shall be vested in the operator. If the operator withdraws or is withdrawn from the stand for any reason whatsoever, the vested interest, if

any, of the operator or his estate in the stocks of merchandise having marketable value may be purchased by the Commission.

G. Set Aside of Funds

The Commission will set aside, or cause to be set aside from charges on the proceeds of the operations of the vending stands, funds for the purpose of maintenance and replacement of equipment in the vending stands.

The Commission will reserve the right to set aside funds for the other purposes as permitted in accordance with the provisions of the Randolph Sheppard Act, as amended by Public Law 565, 83rd Congress, and the Federal Regulations issued pursuant thereto, at a later date if circumstances require such additional set aside of funds to serve the best interests of the Commission Vending Stand Program.

In no case will the funds set aside for the specified purpose exceed the amount determined by the federal Director of the office of Vocational Rehabilitation to be reasonable.

The charges for the purpose of maintaining and replacing equipment will be determined on the basis of records of expenditure made for this purpose over a reasonable period of time and on a calculated rate of depreciation of different types of equipment together with allowances for program expansion, fluctuations in costs and a standardization of equipment program. Adequate records will be maintained by the Commission to support the reasonableness of the charge for the above purpose.

H. Policies Governing the Participation, Duties, Supervision and Transfer of Operators

1. Participation of Operators - The operator shall:

a. Receive the proceeds of the operation of the vending stand, including vending machine income.

b. Be responsible for paying operating costs incurred in the operation

of the vending stand.

c. Be responsible for paying to the Commission for the purpose or purposes set forth in Paragraph G above the charges which have been approved by the federal Director of the office of Vocational Rehabilitation as reasonable.

d. Be responsible for reporting to the Commission immediately any stand equipment and/or fixtures repair or maintenance needs.

e. Employ such reasonable number of staff as the Commission may deem appropriate.

f. Compensate such staff members on a scale which may be deemed reasonable by the Commission, based on the duties and responsibilities performed and consistent with the income producing ability of the stand to meet such wage scale.

2. Duties of Operators - The Operator shall:

a. Perform faithfully and to the best of his ability the necessary duties in connection with the operation of the vending stand in accordance with those rules and regulations and standards issued by the Commission pursuant thereto, the terms of the permit governing the use of the space occupied by the vending stand, and the written agreement with the Commission.

b. Cooperate with officials and duly authorized representatives of the Commission in connection with their official program responsibilities.

c. Operate the vending stand in accordance with all applicable health laws and regulations.

d. Furnish regular monthly and other reports to the Commission as it may require and comply with such provisions as the Commission may find necessary to assure the correctness and verification of such reports.

3. Supervision of Operators - The Commission shall provide such supervision and assistance to the vending stand operators as may be necessary

to insure the operation of each vending stand in the most productive and efficient manner possible.

4. Transfer of Operators - The following policies and standards shall govern the transfer of stand operators from one stand to another:

a. Promotion: Operators shall be considered by the Commission for promotion to another vending stand, which will yield or potentially yield a greater financial return, based on an evaluation of demonstrated ability to operate a stand efficiently and the capacity to operate a stand that may have a greater volume of business and/or a greater variety of services with due weight given to location, seniority and other pertinent factors.

b. Demotion: Transfer by the Commission of an operator to another vending stand which may yield a smaller financial return shall be based on demonstrated inability and/or incapacity to operate his stand satisfactorily.

c. Change of Location: Transfer by the Commission of an operator from one vending stand to another to meet the convenience of the operator or to further the interests of the program will usually be made by mutual consent provided substantial financial advantage to the operator will not result; if substantial financial advantage would result, the promotion policy in "a" above shall apply.

I. Explanation to Operator of His Rights and Responsibilities

Each operator shall be furnished a copy of these rules and regulations and a description of the arrangments for providing services to the operator. Adequate steps shall be taken by the Commission to assure that each operator understands the provisions of such documents and the provisions of the permit and the written agreement with the Commission under which he operates, as evidenced by his signed statement on such agreement.

PART II

APPENDIX

PART II, POLICIES AND STANDARDS RELATING TO THE OPERATION OF VENDING STANDS

INTRODUCTION

The following policies and standards have been adopted by the Commission for the Blind to supplement the Rules and Regulations governing the vending stand program. They are designed to carry out the intent of the Rules and Regulations and to serve as a guide to licensed operators and the staff of the Commission in carrying out their respective duties.

Sound management principles and practices which are in effect in comparable private business enterprise have been used whenever possible, as the basis for the development of these policies and standards. They are subject to continuing review as new or more effective business practices are developed as a result of experience or modifications are needed to reflect changing conditions.

A. ESTABLISHMENT OF VENDING STANDS AND ISSUANCE OF LICENSES

1. Negotiations for New Vending Stands and Vending Machines

The responsibility for securing vending stand opportunities is a function of and one of the major activities of the Concession Stand Service of the Commission for the Blind. When an opportunity for the establishment of a new vending stand has been located, the Commission for the Blind will negotiate with building management to determine space to be occupied, hours of operation, articles to be vended and equipment to be provided and installed. Upon conclusion of negotiations, the necessary legal documents shall be executed by the Commission.

The Commission for the Blind is also responsible for all negotiations with vending machine companies relative to the installation of vending machines. The contract for any vending machines shall be between the Commission for the Blind and the vending machine company.

2. Staffing of Vending Stands

Each vending stand shall be operated by a blind person licensed by the Commission for the Blind as outlined in the Rules and Regulations and in

Section C of these Policies and Standards.

In the establishment of new stands, the Commission for the Blind will also assess any additional staff needs and each licensed operator shall employ a sufficient number of employees, adequately compensated, to assure the efficient operation of the stand and to provide adequate service to the public.

It shall be the responsibility of the licensed operator to perform faithfully and to the best of his ability the necessary duties in connection with the operation of the vending stand. The licensed operator shall be governed by the Rules and Regulations, Policies and Standards, the terms of the permit and his written agreement with the Commission for the Blind.

Licenses issued will extend for an indefinite period. They may be terminated on request, by a licensed operator after due notice is given or by the Commission for the Blind as provided in Section C of the Rules and Regulations.

B. FINANCING OF AND INCOME DERIVED FROM VENDING STANDS

1. Equipment and Fixtures

The Commission for the Blind will provide adequate equipment for the use of the licensed operator and this equipment remains the property of the Commission and no alteration, change or removal shall be made without prior approval of the Commission. A schedule listing such fixtures and equipment, Form CS-9b (See Appendix - Exhibit B) attached to the licensing agreement, (See Appendix-Exhibit A).

No charge for rental or depreciation will be made to the licensed operator for the use of this equipment. Notwithstanding the responsibility of the Commission for the maintenance, replacement and repair of such equipment, as set forth in Section F, Paragraph 2 of the Rules and Regulations, it will be the licensed operator's responsibility to maintain equipment furnished him by the Commission in as good a condition as when received, reasonable wear and tear excepted.

It shall also be the licensed operator's responsibility to report immediate-

ly to the Commission any incident within or beyond the control of the licensed operator, resulting in damage to, breakage, theft or defacement of equipment or fixtures provided for the licensed operator's use.

* 2. Initial Stock

It shall be the licensed operator's responsibility to maintain at all times an inventory of stock and/or cash at or above the equivalent wholesale value of the initial stock furnished by the Commission.

3. Maintenance and Replacement of Equipment will be provided for by the Commission from the funds obtained through the set-aside levy or from such other funds which may be available.

4. Assignment of Stand Income to Licensed Operator

All income from vending stands, including assigned vending machine commissions, shall accrue to the licensed operators without any charge by the Commission except as provided for under the set-aside of funds levy. Income in this connection shall be defined as gross receipts from sale of merchandise plus vending machine commissions and any other related receipts less cost of merchandise, wages paid, insurance and other operating expenses.

5. Set-Aside of Funds Levy

Permissive Legislation: Federal legislation, the amended Randolph-Sheppard Act (Public Law 565) provides that charges may properly be made to licensed operators for (1) new equipment, (2) management services, (3) maintenance and replacement of equipment, and (4) assuring a fair minimum return to operators. It is current Commission policy to make a levy against the licensed operators for only one of these purposes, namely, the maintenance and replacement of equipment.

Specific Levy by Commission: It is the policy of the Commission to require a set-aside of funds for the purpose of maintenance and replacement of equipment

* Revised 1/1/59

permitted under the amended Randolph-Sheppard Act, based on the licensed operator's net earnings in excess of $5,000. The formula used in computing this levy is attached and made part of this Handbook. (See Appendix -Exhibit E.)

C. PLACEMENT AND CHANGES IN ASSIGNMENT OF LICENSED OPERATOR

1. Placement

Application: It shall be the Commission's policy to place only legally blind (as defined in Sec. 403.1 of Federal regulations) persons as licensed operators of vending stands. Blind persons wishing to make application for a license to operate a vending stand are required to apply to the Vocational Rehabilitation Service of the Commission for the Blind where their eligibility and potentiality for vending stand and other suitable types of employment will be given consideration. Those applicants found to be qualified will be certified as eligible for placement by the Vocational Rehabilitation Service of the Commission for the Blind.

Eligibility: In determining eligibility for certification as a licensed vending stand operator, only those persons who are legally blind, are citizens of the United States and are over 21 years of age will be considered. Preference shall be given to blind persons who are in need of employment and who have resided for at least one year in New York State.

Selection and Assignment: In addition to required certification by Vocational Rehabilitation Service, the factors which will be taken into consideration in the placement of an operator in a specific location by the Concession Stand Service of the Commission for the Blind will include:

a. Location of the stand in relation to applicant's place of residence.

b. Applicant's work skills in relation to the size and complexity of the specific stand.

c. Applicant's age and physical condition in relation to the specific duties to be performed.

d. Length of service in the Commission Concession Stand program as out-

lined in the following Section (C-2 - Promotion) of these Policies and Standards.

2. Changes in Assignment

Transfer of Licensed Operator: Transfers of licensed operators may be necessary from time to time to meet the best interests of the licensed operators and/or the Commission. A transfer will be arranged by the Commission if the best interests of the program are served thereby and if such transfer is consistent with Section H, 4-(a), (b) and (c) of the Rules and Regulations.

Promotion: When a new vending stand is established or a licensed operator vacancy occurs in an existing vending stand it shall be the Commission's policy to consider for promotion to such vacancy all eligible licensed operators and their blind employees to whom such a move might prove advantageous from the standpoint of income, working conditions, geographical location or other factors. Such candidates for promotion to the vacancy shall be considered on the basis of their length of experience, competence, residence, physical fitness to meet the demands of the particular stand or other pertinent factors. Other things being equal, and subject to the provisions of Section H, 4-(a) of the Rules and Regulations, the candidate having the greatest length of service in the Commission Concession Stand program will be selected. Ordinarily and insofar as possible, promotions will be made from the roster of licensed operators and their employees residing in the geographical area wherein the vacancy exists.

Retirement of Licensed Operator: Age 65 shall be considered the normal retirement age for licensed operators. If an extension beyond age 65 is requested by the licensed operator it shall be the policy of the Commission to determine whether such licensed operator can carry on his duties satisfactorily. If, as a result of the determination, it is decided that the licensed operator is to be continued, the matter is to be reviewed and redetermination made annually on the anniversary of his birth until age 70. Retirement shall be mandatory at age 70 unless written approval to continue has been given. The maximum extension beyond age 70 shall be limited to 2 years. Licensed operators

who may be age 70 or over at the time of the adoption of these Policies and Standards may be allowed to continue subject to review and redetermination by the Commission annually on the anniversary of their birth.

D. SUPERVISION OF VENDING STAND PROGRAM

1. Training of Licensed Operators

Each new licensed operator will be given necessary orientation and subsequent on-the-job training in the techniques of day-to-day operation for a period as required, in keeping with his duties and responsibilities, by or under the supervision of a Concession Stand Representative.

To assure that licensed operators will be kept abreast of the latest and most modern methods of stand operation, the Commission will disseminate pertinent information through such media as bulletins, group meetings and supervisory contacts as the need arises.

2. Continuing Supervision of Licensed Operators

The Commission will provide regular supervision of each concession stand and stand personnel in order to assure:

a. Maximum service to clientele

b. Maximum return to the licensed operators

c. Adherence to Commission Rules and Regulations and Policies and Standards

d. Adherence to building management requirements

Regular supervisory visits by Commission personnel will include consideration of such factors as:

a. Selection, purchase, display and sale of merchandise

b. Customer relations

c. Employer-employee relationship

d. Appearance and cleanliness of licensed operator and staff

e. Relationship of licensed operator with building management

f. Record keeping and fiscal affairs

3. Appearance and Conduct of All Personnel

Neatness and cleanliness of clothing and person are essential for licensed operators and their employees. It shall therefore be Commission policy to insist that all personnel maintain highest standards of good grooming and personal cleanliness at all times.

Licensed operators and their employees shall at all times conduct themselves properly and in a business-like manner.

The licensed operators and their employees shall not smoke or use tobacco in any form while on duty, shall refrain from the use of improper language and shall not engage in any other action which would reflect unfavorably upon the operation of the stand.

4. Request for Service of the Commission

Any licensed operator in need of consultant or special services rendered by the Commission in connection with the stand program shall have the privilege of contacting the Concession Stand Representative in his area, either in writing or by telephone during regular business hours.

Commission representatives will act in an advisory capacity in such matters as insurance, taxes, record and bookkeeping and such other matters as may be directly related to stand operation and management.

5. Handling of Emergencies

Any unusual incident calling for immediate action which is beyond the authority of the licensed operator, shall be reported to the Commission by the licensed operator or the employee in charge, by telephone or telegram and confirmed in writing.

6. Grievances

It shall be the policy of the Commission to give due consideration to any dissatisfaction on the part of (1) the licensed operator with any action arising from the operation or administration of the vending stand program or (2) to his

personal representative or next of kin with respect to the determination of the amount to be paid by the Commission for a licensed operator's ownership in the equipment. Prompt and orderly consideration and determination of such dissatisfaction or grievance shall be provided through normal supervisory channels. To that end the following procedures have been established:

a. The licensed operator should bring any grievance to the attention of the Concession Stand Representative of the Commission for the Blind responsible for the supervision of the respective stand. Licensed operators are encouraged to resolve grievances on an informal basis at this level and every effort should be made to dispose of the grievance as quickly as possible.

b. In the event the licensed operator is dissatisfied with the disposition made by the Concession Stand Representative or if the Concession Stand Representative advises him he does not have authority to make a decision, the licensed operator may present his grievance in writing to the Concession Stand Supervisor of the Commission for the Blind, 270 Broadway, New York 7, N. Y., stating the specific facts of his grievance. The Concession Stand Supervisor shall advise the licensed operator in writing by registered mail of the disposition of the grievance as soon as possible and in no event not later than 30 days after receipt of the written statement.

7. Fair Hearings

If the licensed operator (or his next of kin with respect to (2) above) is not satisfied with the disposition of the grievance after he has taken the steps described above he may have a fair hearing by sending a written request to the Director of the Commission for the Blind at the aforementioned address within 15 days after the notice of the disposition of the grievance made by the Concession Stand Supervisor has been received.

Fair hearings relating to grievances involving the revocation of the license to operate a vending stand issued by the Commission to the licensed operator shall be held before the Commissioner of the New York State Department of Social Welfare or his designated representative. The decision of the Commis-

sioner of Social Welfare shall be based upon the information adduced at the hearing and shall be final.

Fair hearings relating to all other grievances shall be held before the Director of the Commission for the Blind or his designated representative. The decision of the Director shall be based upon the information adduced at the hearing and shall be final.

If the fair hearing is held before a designated representative of the Commissioner of Social Welfare or the Director of the Commission the verbatim tran-- script of the testimony and exhibits (or an official report containing the substance of what transpired at the hearing) together with all papers and reports filed in the proceedings and the hearing officer's recommendation shall constitute the exclusive record for review and shall be available to the licensed operator.

The following procedures will govern fair hearings:

a. A fair hearing shall be scheduled at a time and place reasonably convenient to the licensed operator. The licensed operator shall be notified in writing by registered mail of the time and place of such a hearing.

b. An operator shall have the right to be represented at the hearing by counsel or by a friend.

c. The operator shall have an adequate opportunity to present his case and for cross-examination.

d. The decision shall be in writing and shall set forth the issue, the relevant facts brought out at the hearing, the pertinent provisions in law and Commission policy and the reasoning that led to the decision. The operator shall be forwarded a copy of the decision immediately upon its issuance.

e. The decision shall constitute the official action of the Commission in relation to the action which was the subject of the hearing.

E. OPERATING POLICIES

1. Operating Continuity

a. Days of Operation: It shall be the policy of the Commission to re-

quire the licensed operator to provide service to the clientele of all stands on usual days of work prevailing at the location where the vending stand is situated. However, it is recognized that certain legal holidays should be observed and the stand closed on these days. The specific holidays on which stands will ordinarily be closed are:

New Years Day

Washington's Birthday

Decoration Day

July 4th

Labor Day

Thanksgiving Day

Christmas Day

The only circumstances under which stands will remain open on these days are in locations where services in the building continue on an uninterrupted or on a slightly reduced basis and where the building management requests specifically that service be maintained on these holidays. When such a request is received, it shall be transmitted to the Commission Concession Stand Service where approval or disapproval shall be given. In the event that approval is granted it will be necessary to maintain either a full or a skeleton staff.

Other holidays on which stands may be closed are as follows:

Lincoln's Birthday

Columbus Day

Election Day

Armistice Day

However, stands may be closed on any of the above holidays only if there is not a need for stand service in the building. If, in the opinion of the building management, the licensed operator and the Commission, it is necessary for stands to remain open on any or all of the above days, they shall remain open.

b. Hours of Operation: During the process of negotiation for a stand,

hours of operation are established by the Commission and the building management. It shall be the responsibility of the licensed operator to see that such hours are maintained and that there be no curtailment in the stand's operation during the stated business hours, as set forth in Operating Schedule, Form CS-1a, (See Appendix-Exhibit C) attached to and part of the Licensing Agreement.

c. Vacation of Licensed Operator: Annual vacation may be taken by licensed operators in reasonable amounts which conform to accepted business practices. Licensed operators planning to take such vacations should select a substitute operator preferably a qualified blind person, to assume responsibility for the operation of the stand. Such substitute shall be compensated by the licensed operator. While the Commission will assist by suggesting any available known candidates, the selection of the substitute operator is the licensed operator's responsibility, subject to the Commission's approval. The Commission must be notified at least 14 days in advance of the period of vacation selected. Request for leave needed for other purposes shall be presented to the Commission and reviewed individually.

d. Illness of Licensed Operator: When it is necessary for a licensed operator to be absent from the stand due to illness or other physical disability, it shall be his responsibility to provide coverage of the stand during such absence and for payment of a substitute operator. When the licensed operator finds it necessary to be absent due to illness or other physical disability more than 30 successive days during a calendar year, it shall be required that he apply to the Commission for a leave of absence for such extended period, giving reason for absence, proof of need for continued absence, and such other information as the Commission may require. It shall be the policy of the Commission to grant up to 150 successive days of such extended leave in 30 day extensions where individual circumstances warrant. Extension beyond 150 days shall not be considered unless there are unusual, extenuating circumstances.

It shall be the responsibility of the licensed operator to make adequate

advance plans for and to provide a relief operator or operators (subject to call) for any unforeseen absences of short duration of the licensed operator or his employees. Such relief operator may be either sighted or blind, a friend or member of the family. The licensed operator shall furnish the Commission in advance with the name, address and telephone number of such emergency relief operator.

e. Other Absences: Where the licensed operator employs staff, it shall be the responsibility of the licensed operator to designate one of his employees to be in charge during such period when the licensed operator is not on duty.

Where stands are operating on a two or more shift basis, it shall be the responsibility of the licensed operator to designate one of his employees to be in charge during such period when the licensed operator is not on duty.

f. Operation of Stand in Emergencies by the Commission for the Blind: In the event of the inability of the licensed operator to fulfill his responsibilities for any reason, the Commission may forthwith assume the operation of the stand. If the circumstances warrant such action, the licensed operator may be temporarily suspended by a representative of the Commission.

2. Merchandising

a. Merchandise Inventory: To provide adequately for the requirements of the stand clientele and to assure a maximum return to the licensed operator, it shall be required that the licensed operator maintain at all times, an inventory of approved merchandise for sale that is sufficient in quantity and variety. In stands where initial stock is provided by the Commission, it shall be the licensed operator's responsibility to maintain the inventory at a wholesale value of marketable merchandise at least equal to that initially provided by the Commission.

b. Merchandise to Be Sold: The types of articles to be vended shall be in conformity with those specified by the Commission and the building management in their written agreement as set forth in Merchandise Vending Authorization, Form CS-9c, (See Appendix - Exhibit D) attached to the Licensing Agreement. The licensed operator will make no deviation from these types of articles to be sold without the written approval of the Commission. Under no circumstances will approval be given for the sale of drugs (including aspirin, bromo seltzer, etc.) or any item the sale of which is prohibited by law or ordinance.

c. Use of Signs: The licensed operator shall use only such identifying signs and insignia as are provided for him by the Commission. Only displays for merchandise which are necessary for the item being dispensed shall be permitted, and such displays may not detract from the attractiveness of the stand.

d. Wrapped Merchandise: To promote maximum sanitation and cleanliness, food and confections sold at the stand shall be only those which are suitably wrapped and packaged before delivery to the stand. Exception may be made to this policy in stand locations where food items of necessity must be prepared on the premises, and for which specific provision is made on Form CS-9c, attached to Licensing Agreement.

e. Pricing of Merchandise: The retail price of merchandise at each vending stand shall not exceed the general price pattern prevailing in the immediate locality.

f. Expendable Supplies: Containers, utensils and accessories utilized in the serving, dispensing and consumption of food and drink items shall be provided by the licensed operator as an operating cost to the stand in the form of sanitary, properly wrapped, disposable containers and utensils which conform to local ordinances and laws and which meet with the approval of the Commission.

g. Merchandise Vended by Machines: A vending machine which vends articles of a type authorized on Form CS-9c, attached to the operator's licensing agreement, and is so located that it is in reasonable proximity to and in direct competition with the stand, shall be considered to be a part of the vending stand and all commissions earned by such machines shall accrue to the licensed operator.

It shall be the licensed operator's responsibility to report to the Commission promptly any delinquency on the part of vending machine contractors in paying commissions regularly due him.

3. Relationships

a. With Vendors: The licensed operator shall have a free choice of the vendors from whom he is to make his purchases, provided, however, that such vendors are established and reputable.

The licensed operator may take advantage of any credit extended by vendors provided, however, all bills must be paid within 7 days subsequent to the receipts of the merchandise purchased. Extenuating circumstances may warrant an exception to this policy but will require a prior written approval of the Commission.

b. With Customers: To serve the best interest of the public, the operators of vending stands and the Commission, it shall be the Commission policy that each licensed operator and his employees provide prompt, cheerful and courteous service to all customers and accommodate within reasonable limits such other persons who may come to the stand requesting change, information or other service.

All vending stands shall be operated on a cash basis except in unusual circumstances warranting the extension of credit to meet specific recurring customer needs and then only with the prior approval of the Commission.

c. With Building Officials: The licensed operator shall comply with all requests relative to the conduct of the vending stand that may be made by officials of the building in which the vending stand is located provided such requests do not conflict with the Licensing Agreement, the Rules and Regulations issued by the Commission and the Policies and Standards contained herein. At no time should the licensed operator expect the building management or their employees to provide special services or favors. If differences should arise between the licensed operator and the building officials, the licensed operator shall bring the matter to the attention of the Concession Stand Representative as soon as possible for appropriate action.

4. Stand Appearance and Cleanliness

Appearance and cleanliness of the stand and stand area are of paramount importance not only to maintain health, welfare and satisfaction of the clientele, but to also assure maximum return and favorable working conditions for licensed operators and their employees. Therefore all stand personnel are required to maintain the highest standard of neatness, cleanliness and orderliness in the operation of the stand at all times, and take whatever steps are necessary to provide for cleanliness of the stand, including showcases, stock and interior, as well as for the area surrounding the stand (including areas occupied by vending machines considered as part of the stand) and of any adjacent area provided for the use of the public in consuming articles sold by the stand. Receptacles must be provided for the disposal of merchandise wrappers and other waste materials and the operator shall make certain that such receptacles are emptied at

proper intervals and are kept in a clean and sanitary condition.

Any licensed operator or employee using a guide dog will be permitted to house the dog at the stand during his hours on duty, provided he adheres to the rules and regulations pertaining to guide dogs as established by federal, state and local authorities, building management and the Commission.

5. Fiscal Policies

a. Financial Obligations: Every licensed operator who is subject to payment of Set-Aside of Funds Levy or for whom the Commission has advanced insurance premiums or has otherwise incurred a financial obligation to the Commission for the Blind, shall make payment promptly in accordance with the terms under which the obligation was incurred.

b. Method of Payment: The licensed operator shall be responsible for establishing and maintaining a checking account for the receipts and disbursements pertinent to the operation of the vending stand. Such bank account will be used exclusively for the fiscal affairs of the stand and the licensed operator shall not comingle personal or other funds in this account except to the extent that such funds represent his equity in the business. This policy may be waived by the Commission for the Blind after consideration of the facts as presented by the licensed operator.

c. Cash Withdrawals by Licensed Operator: It shall be the responsibility of the licensed operator to make certain that the rate of cash withdrawals by himself shall not exceed the rate of net profit to the stand. It shall also be his responsibility to provide cash reserves for contingencies such as vacation and sick leave for employees and for such other purposes as may be necessary to the proper operation of the individual stand.

* If the licensed operator of a stand employing one or more persons retires, resigns or is otherwise separated from the operation of the stand, or in the event of his death, his estate or legal representatives shall be liable for the payment of such accumulated vacation credits as may have been earned by such employee or employees up to the date of such retirement, resignation, separation or death.

* Addition 1/1/59

Resignation of Licensed Operator: In the event a licensed operator desires to resign he shall give at least thirty days in advance notice, in writing, addressed to the Concession Stand Supervisor of the Commission for the Blind, 270 Broadway, New York 7, New York.

d. Record Keeping: It shall be the responsibility of each licensed operator to establish and maintain financial, payroll and personnel records which shall be adequate to permit the preparation of periodic financial, tax and other reports as required by law or the Commission for the Blind. (Minimum requirements under this provision shall consist of a cash receipt and disbursement book and a payroll time book.)

e. Reporting: Each licensed operator shall be required to submit on forms provided by the Commission for the Blind (1) a monthly business report; (2) a semi-annual detailed business report including merchandise inventory; and (3) such other reports as the Commission for the Blind may require from time to time. The monthly and semi-annual reports shall be submitted to the Commission for the Blind by the 15th day after the close of the respective period.

* All financial reports which may be required of the licensed operator by the Commission shall be true, complete, prepared in an accurate manner, and the licensed operator shall be held responsible therefor.

Any licensed operator who submits an incorrect financial statement of the stand operated by him is subject to possible revocation of his license.

f. Insurance: In order to safeguard the interests of the public, the licensed operator and the Commission for the Blind, the licensed operator shall be required to obtain and maintain in force, as an expense to the stand, applicable public liability and products liability insurance, with proper limits as specified by the Commission for the Blind. It shall be the duty of the licensed operator to secure a certificate and file same with the Commission showing that such insurance has been effectuated. Such insurance shall run to the licensed operator and the People of the State of New York as named insured.

It shall be the duty of the licensed operator to report in writing as soon

* Addition 1/1/59

as practicable, to the Commission for the Blind, the occurrence of any accident. (This is in addition to the licensed operator's duty to report such accident to the insurance carrier.)

If a claim is made or suit is brought against the licensed operator, it shall be his duty to notify the Commission for the Blind thereof. (This is also in addition to his duty to report such action to the insurance carrier.)

* g. Auditing: The Commission will conduct an audit of the financial affairs of each stand as often as it deems necessary. The purposes for which the audit will be made will include the following:

1. A review of the adequacy of the books of account maintained for the stand.

2. A general verification of the stand's accounts.

3. A determination of the stand's financial condition, its operating results and adherence by the operator and his employees to established fiscal principles.

4. A determination of the gross profit on direct sales percentage that the stand should yield.

* Addition 1/1/59

6. Employment of Staff by Licensed Operators

The licensed operator shall employ a sufficient number of employees to assure the efficient operation of the stand and to provide adequate service to the public. His relationship to his staff shall be the normal employer-employee relationship existing in private business enterprises.

a. Selection of Employees

Permanent Employment: - In the employment of permanent employees the licensed operator shall give preference to qualified legally blind individuals. Selection shall be made from among persons certified by the Vocational Rehabilitation Service of the Commission for the Blind as having the potential ability to perform satisfactorily the duties required.

In instances where it can be clearly demonstrated that sighted help is essential to the satisfactory operation of the stand, such sighted help, with the approval of the Commission, may be employed on a permanent basis.

Temporary Employment: In the employment of a temporary relief operator, preference shall be given to legally blind persons who have been certified by the Vocational Rehabilitation Service of the Commission for the Blind as provided above.

When no blind person is available for employment sighted help may be used on a temporary basis in exceptional cases, to meet emergencies and for sick leave or for vacation relief. Subject to the approval of the Commission, under special circumstances, a plan for such temporary coverage by sighted relief operators may be made in advance by licensed operators.

b. Training and Continuous Supervision

It shall be the responsibility of the licensed operator to provide on a continuing basis, training and supervision to his employees which will assist them in the satisfactory performance of their duties and insure the operation of the vending stand in the most productive and efficient manner possible. The licensed operator shall also be responsible for the adherence by his employees

to the Rules and Regulations and Policies and Standards contained in this Handbook. Upon failure of an employee to comply with these Rules and Regulations and Policies and Standards or in the event an employee conducts himself in a manner detrimental to the operation of the vending stand, the licensed operator may take appropriate disciplinary action.

c. Evaluation of Personnel

To permit a realistic evaluation of the performance of licensed operator's employees and for the establishment and maintenance by the Commission of promotional lists and for such other purposes as may be necessary, it shall be required that upon request, each licensed operator submit an appraisal of his employees' performance.

d. Grievances and Disagreements

Any grievance or disagreement arising between the licensed operator and his employee or employees shall be settled in the normal functioning of the employer-employee relationship. In the settlement of such grievance or disagreement the licensed operator is required to comply with principles of good business management which includes adherence to appropriate personnel practices. He shall therefore give careful consideration to and apply sound judgment in the settlement of employee grievances or disagreements.

e. Disciplinary Action

Disciplinary action in conformance with sound personnel practices, may be imposed by the licensed operator to the degree warranted in the event an employee fails to perform his duties satisfactorily or conducts himself in a manner detrimental to the efficient operation of the stand or fails to comply with the provisions contained in this Handbook.

Extreme care and discretion should be exercised by the licensed operator in imposing disciplinary action which affects the livelihood of his employees and such action should be commensurate with the extent of the employee's failure to comply with or perform his duties and responsibilities. In the event it is necessary to impose disciplinary action of a serious nature such as suspension

or dismissal it is recommended that the licensed operator confer with the Commission before such action is taken.

The Commission reserves the right to recommend the dismissal of any persons employed by licensed operators where the actions of such employees are contrary to the best interests of the vending stand program.

f. Personnel Practices of Licensed Operators

The following personnel practices have been formulated for the guidance of licensed operators in their employer-employee relationship. They are based on those followed in comparable business enterprises and are designed to assure the operation of the stand in the most productive and efficient manner and to encourage a harmonious and cooperative relationship between the licensed operator and his employees.

1. The basic work week shall be 40 hours, 5 days per week and any work in excess thereof shall be considered overtime.

2. The minimum entrance salary shall not be less than $40.00 per week for a 40-hour week, or $1.00 per hour. However, where earnings of a stand are adequate, or in the case of a new stand where the expected return to the licensed operator warrants, it is recommended that the minimum entrance salary be $50.00 per week for a 40-hour week, or $1.25 per hour.

* 3. Overtime shall be compensated by the licensed operator at one and one-half ($1\frac{1}{2}$) times the employee's regular rate in either time off or cash for work performed in excess of forty hours in a week.

Work on Saturdays, Sundays and legal holidays shall not be considered a basis for overtime pay if a stand is normally open on such days or is opened on such days at the request of the building management, except as provided in Section 4 below. If a stand that is normally closed on Saturdays, Sundays or legal holidays remains open on any such day by authority of the licensed

* Revised 1/1/59

operator, such work on those days shall be paid for by the licensed operator at one and one-half ($1\frac{1}{2}$) times the employee's regular rate in either time off or cash.

* 4. Legal holidays enumerated hereafter shall be allowed as days off or days shall be allowed in lieu thereof at all stands employing staff:

New Years Day

Washington's Birthday

Decoration Day

July 4th

Labor Day

Thanksgiving Day

Christmas Day

Any legal holidays which fall on days during the regular work week shall be paid for at the regular rate even though the stand may not be in operation on such holidays, except as noted hereafter. If a stand must remain open on Thanksgiving, Christmas and/or New Years Day by request of the building management or otherwise, the employee shall be compensated by the licensed operator at two (2) times the regular rate in either time off or cash.

In the event that a stand is closed on a holiday that is normally an employee's day off, such employee shall be granted equal compensatory time off in lieu thereof.

Licensed operators shall grant employees time off to vote without loss of pay on Election Day in accordance with the provisions of the New York State Election Law.

5. Salary differentials are recommended to be paid by the licensed operator to employees where the efficient operation of the stand requires the assignment of special duties and responsibilities to an employee which are beyond normal duty staff assignments. For example, to the employee in full charge of a separate shift where

*Revised 1/1/59

stands operate on a more than one 8-hour shift basis or to the employee who serves as first assistant to the licensed operator in those stands in which a large number of staff is employed.

* 6. Paid vacations shall be granted by licensed operators to their employees at the rate of 5/6 of a day based on a 5-day week for each full month of employment. No vacation credits may be earned during less than three (3) months of employment; however, at the completion of three (3) months of employment each employee serving this time initially shall be credited with two and one-half ($2\frac{1}{2}$) days of earned vacation. Employees engaged as assistants for a period of ten (10) years or more by the same licensed operator or at the same vending stand shall be credited paid vacations at the rate of one and one-quarter ($1\frac{1}{4}$) days based on a five-day week for each full month of employment. Employees may utilize earned vacation at any time which is mutually agreeable to the licensed operator and the employee.

7. Personal leave with pay shall be granted by the licensed operators to their employees for personal business, including religious observance, not to exceed three (3) days in a calendar year, without charge against accumulated vacation or other credits. Such personal leave may be drawn only at a time convenient to and approved in advance by the licensed operator; provided, however, that personal leave allowed for religious observance shall be granted on the days and hours required insofar as the time will not interfere with the proper conduct of the stand. Such personal leave shall not be cumulative nor shall the unused portion of personal leave be liquidated in cash at the time of separation, retirement or death.

*Revised 1/1/59

8. Sick leave shall be granted by the licensed operators to their employees at the rate of one day per month which may be accumulated up to a total of 24 working days. In one period of illness or disability, not to exceed 5 working days, the licensed operator shall pay the employee his full rate of pay beginning with the first day of such absence. In the event that the period of illness or disability exceeds 5 working days, the licensed operator shall pay to such employee his full salary for the

balance of such employee's earned sick leave and the licensed operator may claim reimbursement of the employee's benefits under the provisions of the New York State Disability Benefits Law. Sick leave shall not be considered liquidable in cash at the time of separation, retirement or death or a transferable benefit.

9. Salary increments to employees by licensed operators are recommended when they are commensurate with the income-producing ability of the stand and after giving due consideration to the nature of the employee's duties, his length of service and satisfactory performance.

   It is recommended that such increments, where possible, be at least $2.50 per week and granted on the anniversary date of employment until a maximum of $75.00 per week is reached, based on a 40-hour week, exclusive of premium pay.

   In considering salary increments, it is important to recognize that the licensed operator is entitled to a reasonable return for his efforts, giving due consideration to the complexities of the operation, hours the stand is open, number of employees and the licensed operator's supervisory duties and responsibilities. In arriving at a reasonable return to the licensed operator, after giving due consideration to the foregoing factors, the licensed operator's average return should probably equal at least twice the average salary of his full-time employees. This policy is intended solely as a guide in considering salary increments for employees and is not intended to place a limit on the earnings of the licensed operator.

7. Compliance with Laws and Regulations of Other Governmental Agencies

All licensed operators shall be responsible for acquainting themselves with, and conforming to all laws, ordinances and governmental rules and regulations pertinent to the conduct and operation of a vending stand.

It shall be the responsibility of the licensed operator to apply to the appropriate authority in connection with the securing of any required licenses, permits, or other authorizations.

While every assistance will be given the licensed operator by the Commission, it shall be the responsibility of the licensed operator to familiarize himself with the laws and ordinances relative to the operation of the stand and to file any necessary tax returns or other reports.

APPENDIX

Form CS-1

Exhibit A

New York State Department of Social Welfare

COMMISSION FOR THE BLIND

LICENSING AGREEMENT FOR OPERATION OF A VENDING STAND

AGREEMENT made this . . . . . day of . . . . . 19 . . between the Commission for the Blind of the New York State Department of Social Welfare, located at 270 Broadway, City and County of New York, State of New York, hereinafter called Commission, and . . . . . residing at . . . . . in the . . . . . of . . . . . .County of . . . . . State of New York, hereinafter known as Operator.

WITNESSETH: -

WHEREAS, the Commission is the licensing agency in the State of New York designated by the Federal Department of Health, Education and Welfare to issue licenses to blind persons for the operation of vending stand on Federal or other property under Public Law 565, and

WHEREAS, The Commission has obtained a right and privilege authorizing the operation of vending stand without charge for space at . . . . . in the . . . . . of . . . . . County of . . . . . State of New York; and

WHEREAS, it is the desire of the Commission to have the Operator conduct said vending stand, and the Operator desires to conduct the same.

IT IS HEREBY MUTUALLY AGREED THAT:

Authority to Operate Vending Stand

1. The Commission shall grant to the Operator and the Operator shall accept from the Commission license to conduct the aforementioned vending stand in accordance with the terms of this agreement, the rules and regulations issued by the Commission and the policies and standards of the Commission.

2. The License granted to the Operator shall not be assignable or transferable, in whole or in part; said license and this agreement may be terminated by the Commission for cause or by

the Operator upon fourteen days notice in writing to the Commission.

3. The Operator shall receive the proceeds from the operation of said vending stand, including vending machine income, if any, and shall be responsible for paying operating costs incurred in the operation of said vending stand as well as charges that may be made for the purposes prescribed in its rules and regulations by the Commission.

Fixtures and Equipment

4. The Commission agrees to extend to the Operator the privilege of using certain fixtures and equipment furnished by the Commission and to maintain such fixtures and equipment in good repair.

5. The right, title to, and interest in all fixtures and equipment furnished by the Commission shall be vested in the Commission, and all such fixtures and equipment shall be relinquished by the Operator to the Commission upon the termination of the operation of said vending stand by the Operator in as good condition as received, except for ordinary wear and tear.

Stocks of Merchandise

6. The Commission agrees to furnish intial stocks of merchandise and to extend to the Operator the privilege of selling such stocks having a current wholesale value of . . . . . dollars ($) with the understanding that the Operator will maintain at all times a net worth at least equal to the wholesale value of said amount.

7. The right, title to, and interest in the Operator's stocks of merchandise shall be vested in the Commission to the extent of the equivalent wholesale value of the stock furnished by it; the right, title to, and interest in stocks of merchandise shall be vested in the Operator to the extent that the wholesale value of the stock subsequently purchased by the Operator exceeds the vested interest of the Commission in the stocks.

8. If the Operator withdraws or is withdrawn from said vending stand for any reason whatsoever, the Commission reserves the right to take possession of the vending stand including the stocks of merchandise on hand and pay to the Operator, his heirs or assigns, the value of the Operator's interest, if any, in the stocks of merchandise on hand.

9. The Operator agrees to vend only the types of merchandise as authorized in writing by the Commission.

Operation of Vending Stand

10. The Operator agrees to conduct said vending stand on the days and during the hours specified by the Commission.

11. The Operator agrees to employ and compensate such assistants and substitute employees as the Commission may determine are reasonably necessary in accordance with the rules and regulations issued by the Commission.

12. The Operator agrees to maintain such books, records and accounts and to furnish such reports as the Commission may require and to

comply with such provisions as the Commission may find necessary to assure the correctness and verification of such reports, including the inspection by a Commission representative upon request of any and all books, records and accounts.

Insurance Coverage

13. The Operator agrees, at his expense, to secure and maintain in force during the continuance of this agreement, Workmen's Compensation insurance for such employees as are required to be insured under the provisions of the Workmen's Compensation Law.

14. The Operator agrees, at his expense, to secure and maintain in force during the continuance of this agreement, general public and products liability insurance with coverage of $100,000.00 for injury to one person and $300,000.00 for injury to two or more persons while in and about said premises, and such other insurance as the Commission may deem necessary and shall secure a certificate and file the same with the New York State Department of Social Welfare, Commission for the Blind, showing that such insurance has been effectuated, such insurance to run to the Operator and the People of the State of New York as named insured.

General

15. It shall be understood that this agreement is subject to all laws, rules, regulations and ordinance as promulgated by the United States of America, State of New York and the county, city, town and/or village in which said vending stand is located.

16. It shall be the responsibility of the Commission to supervise all aspects of the operation and management of said vending stand and to provide such services to the Operator as will help assure operation of said vending stand in the most productive and efficient manner possible. The Operator agrees to perform faithfully and to the best of his ability his duties in the operation of the vending stand.

17. It shall be understood that this agreement is entered into with the Operator personally and ceases and determines upon his death, and in the event of his death, the Commission shall have the right to enter upon and take possession of the said vending stand and to remove and store the stock and other assets of the Operator; to turn over the stocks of merchandise as may exceed the value of the vested interest of the Commission, determined in accordance with this agreement, and other assets of the Operator to the executor or administrator of his estate for immediate removal from the premises of the said vending stand or from the place of storage or in its option to pay to the executor or administrator the value of such stocks or other assets; and the Commission shall have the right to resume the operation of said vending stand by use of another licensed Operator or otherwise.

18. The Operator agrees that he has received a copy of the rules and regulations governing the vending stand program issued by the Commission and a copy of the policies and standards issued by the Commission and that such documents have been read and explained to him.

19. It is agreed that this agreement shall only be deemed executory to the extent of the moneys available, and no liability shall be incurred by the State beyond the moneys allocated for the purpose.

20. All agreements heretofore in effect between the Commission and the Operator are hereby superseded.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written.

NEW YORK STATE DEPARTMENT OF SOCIAL WELFARE

Commission for the Blind

by_____

Witness — Director

_____ _____

Witness — Operator

Comm-493 (Rev.)
BN 11-57

Form CS-(9b)

Exhibit B

Operator _____ Stand No. _____

State of New York
Department of Social Welfare
Commission for the Blind

Address of Stand _____

_____

SCHEDULE OF FIXTURES
AND EQUIPMENT

Fixtures and equipment have been installed at the above address for use by the above named Operator in accordance with the Licensing Agreement. The right, title to, and interest in all items listed below shall remain vested in the Commission for the Blind.

Tag Number	Description of Item

Verified by: _____ _____
Concession Stand Representative — Date

Acknowledged by: _____ _____
Concession Stand Operator — Date

Comm-495 (Rev.)
BN 11-57

Form CS-1a

Exhibit C

New York State Department of Social Welfare

Commission for the Blind

Operating Schedule Rider to the Licensing Agreement

for Operation of a Vending Stand

Date _____ 19__

This rider is attached to and becomes a part of the Licensing Agreement (Form CS-1) dated _____ which authorizes the undersigned Operator to conduct a vending stand at _____ in the County of _____, New York. It is mutually agreed that said vending stand will be kept open for business on the days and during the hours specified below:

IN WITNESS WHEREOF the parties hereto have hereunder set their hands and seals on the day and year above written.

NEW YORK STATE DEPARTMENT OF SOCIAL WELFARE

Commission for the Blind

_____ by _____

Witness Director

_____ _____

Witness Operator

Comm-494 (Rev.)
BN 11-57

Form CS-9c

Exhibit D

State of New York
Department of Social Welfare
Commission for the Blind

Operator_____ Stand No._____

Stand Address _____

_____

MERCHANDISE VENDING AUTHORIZATION

The Operator named above is hereby authorized by the Commission for the Blind to offer for sale and to vend at the location shown above the types of merchandise specified below. If such Operator wishes to vend any other items of merchandise for which a demand exists or potentially exists, he shall secure from the Commission written authorization before purchasing such item.

Types of merchandise authorized:

Signed_____ Date _____
Supervisor of Vending Stands

Comm-496 (Rev.)
BN 11-57

Exhibit E

NEW YORK STATE DEPARTMENT OF SOCIAL WELFARE

COMMISSION FOR THE BLIND

STATEMENT AND WORKSHEET FOR PROJECTED SET ASIDE OF FUNDS LEVY - 1956

Operator: _____

Stand # _____ Located at _____ New York

SET ASIDE OF FUNDS LEVY FORMULA

If the annual net earning of the stand are:	The annual set aside of funds levy will be:
Not over $5,000	No levy
Over $5,000 but not over $6,000	10% of the excess over $5,000
Over 6,000 but not over 7,000	100, plus 20% of the excess over $6,000
Over 7,000 but not over 8,000	300, plus 30% of the excess over 7,000
Over 8,000 but not over 9,000	600, plus 40% of the excess over 8,000
Over 9,000 but not over 10,000	1,000, plus 50% of the excess over 9,000
Over 10,000	1,500, plus 75% of the excess over 10,000.

STATEMENT OF COMPUTATION OF ANTICIPATED INCOME FOR 1956
AND CALCULATION OF YOUR PROJECTED LEVY

Net Profit for 1955 (Based on business reports submitted by you) $_____

Add additional vending machine commissions to be received by you in 1956 (based on Commission for the Blind receipts in 1955) _____

Total Net Profit anticipated for 1956 _____

Less Exemption 5,000.00

Anticipated Amount Subject to Levy . . . . . $_____

Application of Formula to Amount Subject to Levy

_____ - $_____ of amount subject to levy X_____% equals $_____

_____ - $_____ of amount subject to levy X_____% equals _____

_____ - $_____ of amount subject to levy X_____% equals _____

_____ - $_____ of amount subject to levy X_____% equals _____

_____ - $_____ of amount subject to levy X_____% equals _____

_____ - $_____ of amount subject to levy X_____% equals _____

$_____

or monthly installments of $_____ ($_____ divided by 12)

KHB:es/ds
(Initiated 2/1/56)
Comm-136

HV1711
N
New York Commission for the Blind.
Handbook for vending stand
operators.

c.1

Date Due			
9/9/76			